4173

BILL NO. S-78-08-32

SPECIAL ORDINANCE NO. S-152-78

AN ORDINANCE approving a Contract between Citizens Cable of Fort Wayne, Inc. and City of Fort Wayne for Cable TV Franchise.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Contract dated August 16, 1978, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Citizens Cable of Fort Wayne, Inc., for:

> Cable TV Franchise for the City of Fort Wayne, Indiana for a period of fifteen (15) years from effective date of General Ordinance G-20-78 to operate a cable communications system in the City of Fort Wayne, Indiana,

all as more particularly set forth in said Contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T Sturgis
Councilman

APPROVED AS TO FORM AND LEGALITY,
CITY ATTORNEY

Read the first time in full and on motion by Hinga, seconded by J. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Finance (and the ~~City Plan Commission~~ for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19__, at _____ o'clock _____ M.,E.S.T.

DATE: 8-22-78

Charles W. Westerman
CITY CLERK

Read the third ~~time~~ in full and on motion by Hinga, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9	0			
BURNS	X				
HINGA	X				
HUNTER	X				
MOSES	X				
NUCKOLS	X				
SCHMIDT, D.	X				
SCHMIDT, V.	X				
STIER	X				
TALARICO	X				

DATE: 9-12-78

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ZONING MAP) (GENERAL)~~ ~~(ANNEXATION)~~ (SPECIAL) ~~(APPROPRIATION)~~ ORDINANCE ~~(RESOLUTION)~~ No. S-152-78 on the 12th day of September, 1978.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of September, 1978 at the hour of 11:30 o'clock A M.,E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 15th day of September, 1978, at the hour of 3:30 o'clock P. M.,E.S.T.

Robert E. Armstrong
MAYOR

Hold thr
9/12/78
John Brockman

Bill No. S-78-08-32

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance

Approving a Contract between Citizens Cable of Fort Wayne, Inc. and City of Fort Wayne for Cable TV Franchise

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

WILLIAM T. HINGA - CHAIRMAN — William T Hinga

VIVIAN G. SCHMIDT - VICE CHAIRMAN — Vivian G. Schmidt

JOHN NUCKOLS — John Nuckols

PAUL M. BURNS — Paul M. Burns

FREDRICK R. HUNTER — Fredrick R. Hunter

DATE 9-12-78 CONCURRED IN

CHARLES W. WESTERMAN, CITY CLERK

CONTRACT

THIS AGREEMENT, made and entered into this 16th day of August, 19 78, by and between CITIZENS CABLE OF FORT WAYNE, INC., hereinafter called "Franchisee" and the CITY OF FORT WAYNE, INDIANA, a municipal corporation, hereinafter called "City."

WITNESSETH: City hereby grants a nonexclusive franchise to Citizens Cable of Fort Wayne, Inc., to construct and operate and maintain a Cable Communications System in the City of Fort Wayne, Indiana, for a period of fifteen years from the effective date of General Ordinance G-20-78 and Franchisee agrees to construct and operate said Cable Communications System in the City of Fort Wayne all in accordance with the terms of this Contract.

It is further agreed by and between the parties that this Contract is composed of the following:

1. GENERAL ORDINANCE OF THE CITY OF FORT WAYNE, G-27-77
2. BID PROPOSAL OF CITIZENS CABLE OF FORT WAYNE, INC.
3. RESOLUTION 66-88-12 OF BOARD OF PUBLIC WORKS AWARDING SAID FRANCHISE
4. GENERAL ORDINANCE OF THE CITY OF FORT WAYNE, G-20-78 AWARDING SAID FRANCHISE TO CITIZENS CABLE OF FORT WAYNE, INC.
5. PERFORMANCE BOND IN AMOUNT OF $100,000.
6. ACCEPTANCE BY FRANCHISEE,

all of which are incorporated herein and made a part hereof.

To each of the conditions and stipulations in this Contract, the undersigned bind themselves, their successors and assigns.

IN WITNESS WHEREOF, we the foregoing named parties hereunto set out hands this 16th day of August, 19 78.

CITIZENS CABLE OF FORT WAYNE, INC.

BY: _____
JOHN BONSIB, PRESIDENT

BY: _____
THURBER M. FOREMAN, CORPORATE SECRETARY

CITY OF FORT WAYNE, INDIANA

BY: _____
ROBERT E. ARMSTRONG, MAYOR

ATTEST:

_____
URSULA MILLER, SECRETARY AND CLERK

_____
HENRY P. WEHRENBERG, CHAIRMAN

APPROVED IN FORM AND LEGALITY

_____
ETHEL H. LAMAR, MEMBER

_____
WILLIAM SALIN, CITY ATTORNEY

_____
MAX G SCOTT, MEMBER

ACCEPTANCE OF FRANCHISE

Citizens Cable of Fort Wayne, Inc. hereby accepts the franchise granted to it by the City of Fort Wayne, Indiana, to construct, operate and maintain a cable communications system within the City of Fort Wayne, Indiana, for a period of fifteen years.

Citizens Cable of Fort Wayne, Inc. further accepts General Ordinance No. G-27-77 as amended of the City of Fort Wayne and all of the terms, conditions and provisions of said Ordinance and agrees to abide by, observe and perform all of the terms, conditions and provisions of said Ordinance.

Citizens Cable of Fort Wayne, Inc. hereby declares that the statements and recitals set forth in said Ordinance are correct and that Citizens Cable of Fort Wayne, Inc. does hereby make all of the agreements, statements and admissions required by the terms of and under said Ordinance.

IN WITNESS WHEREOF, Citizens Cable of Fort Wayne, Inc. has caused this acceptance to be executed this 24 day of July, 1978.

CITIZENS CABLE OF FORT WAYNE, INC.

BY: _____
(John F. Bonsib)
Its President

ATTEST: _____
(Thurber M. Foreman)
Its Secretary-Treasurer

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, personally appeared John F. Bonsib, as President of Citizens Cable of Fort Wayne, Inc., and acknowledged the execution of the foregoing acceptance for and on behalf of said corporation. Witness my hand and notarial seal this 24th day of July, 1978.

_____
(Frederick A. Beckman) Notary Public
Resident of Allen County, Indiana

My Commission Expires:

October 23, 1979

STATE OF GEORGIA)
) SS:
COUNTY OF FULTON)

Before me, a Notary Public in and for said County and State, personally appeared Thurber M. Foreman, as Secretary-Treasurer of Citizens Cable of Fort Wayne, Inc., a corporation organized and existing under the State of Indiana and acknowledged the execution of the foregoing acceptance for and on behalf of said corporation. Witness my hand and notarial seal this 24th day of July, 1978.

D. Neal Barronton
(D. Neal Barronton) Notary Public

Resident of DeKalb County, Georgia

My Commission Expires:
Notary Public, Georgia, State at Large
My Commission Expires Feb. 3, 1981

RECEIPT

William N. Salin, as City Attorney of the City of Fort Wayne, hereby acknowledges receipt of the foregoing acceptance this 24 day of July, 1978.

William N. Salin
(William N. Salin)

Certificate of Insurance

ACORD

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES LISTED BELOW.

NAME AND ADDRESS OF AGENCY

Fred S. James & Company of Georgia
400 Fulton Federal Building
Atlanta, Georgia 30303

NAME AND ADDRESS OF INSURED

Citizens Cable of Fort Wayne
c/o Cox Cable Communications
53 Perimeter Center East
Atlanta, Georgia 30346

COMPANIES AFFORDING COVERAGES

COMPANY LETTER A	Continental Casualty Company
COMPANY LETTER B	
COMPANY LETTER C	
COMPANY LETTER D	
COMPANY LETTER E	

This is to certify that policies of insurance listed below have been issued to the insured named above and are in force at this time.

COMPANY LETTER	TYPE OF INSURANCE	POLICY NUMBER	POLICY EXPIRATION DATE	Limits of Liability in Thousands (000)	EACH OCCURRENCE	AGGREGATE
A	GENERAL LIABILITY [X] COMPREHENSIVE FORM [X] PREMISES—OPERATIONS [X] EXPLOSION AND COLLAPSE HAZARD [X] UNDERGROUND HAZARD [X] PRODUCTS/COMPLETED OPERATIONS HAZARD [X] CONTRACTUAL INSURANCE [X] BROAD FORM PROPERTY DAMAGE [X] INDEPENDENT CONTRACTORS [X] PERSONAL INJURY	CCP 1901781	4/1/79	BODILY INJURY	$ 1M	$ 1M
				PROPERTY DAMAGE	$100	$ 100
				BODILY INJURY AND PROPERTY DAMAGE COMBINED	$	$
				PERSONAL INJURY		$
A	AUTOMOBILE LIABILITY [X] COMPREHENSIVE FORM [X] OWNED [X] HIRED [X] NON-OWNED	CCP 1901772	4/1/79	BODILY INJURY (EACH PERSON)	$ 300	
				BODILY INJURY (EACH OCCURRENCE)	$ 1 M	
				PROPERTY DAMAGE	$ 100	
				BODILY INJURY AND PROPERTY DAMAGE COMBINED	$	
	EXCESS LIABILITY [ ] UMBRELLA FORM [ ] OTHER THAN UMBRELLA FORM			BODILY INJURY AND PROPERTY DAMAGE COMBINED	$	$
A	WORKERS' COMPENSATION and EMPLOYERS' LIABILITY	WC 3453813	4/1/79	STATUTORY		
					100	(EACH ACCIDENT)
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES

BOARD OF PUBLIC WORKS
CITY OF FT. WAYNE, IND.
JUL 31 1978
SEC'Y

Cancellation: Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company.

NAME AND ADDRESS OF CERTIFICATE HOLDER

Board of Public Works
City of Fort Wayne
City-County Building
1 Main Street
Ft. Wayne, Ind. 46802

DATE ISSUED: July 17, 1978

J. Pezzolla

AUTHORIZED REPRESENTATIVE

ACORD 25 (Ed 2/77)

SAFECO

LICENSE OR
PERMIT BOND

SAFECO INSURANCE COMPANY OF AMERICA
GENERAL INSURANCE COMPANY OF AMERICA
FIRST NATIONAL INSURANCE COMPANY
OF AMERICA
HOME OFFICE: SAFECO PLAZA
SEATTLE, WASHINGTON 98185

Bond Nº 2802899

Cox Cable Communications, Inc.
KNOW ALL MEN BY THESE PRESENTS, That we, D/B/A Citizens Cable of Fort Wayne, Inc.
as Principal, and the SAFECO INSURANCE COMPANY OF AMERICA, a Washington corporation, as Surety, are held and firmly bound unto City of Fort Wayne, Indiana
, as Obligee,
in the sum of One Hundred Thousand and NO/100---------- Dollars ($ 100,000.00-----)
for which sum, well and truly to be paid, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this 3rd day of August, 19 78

THE CONDITION OF THIS OBLIGATION IS SUCH, That *WHEREAS,* the Principal has been or is about to be granted a license or permit to do business as to construct, operate and maintain a CATV System in accordance by the Obligee. with Ordinance No. G-27-77 for the City of Fort Wayne, Indiana

NOW, THEREFORE, if the Principal well and truly comply with applicable local ordinances, and conduct business in conformity therewith, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER:

1. This bond shall continue in force:
   - ☐ Until _____, 19 ___, or until the date of expiration of any Continuation Certificate executed by the Surety
   - OR
   - ☒ Until canceled as herein provided.
2. This bond may be canceled by the Surety by the sending of notice in writing to the Obligee, stating when, not less than thirty days thereafter, liability hereunder shall terminate as to subsequent acts or omissions of the Principal.

Cox Cable Communications, Inc. D/B/A
Citizens Cable of Fort Wayne, Inc.
Principal

Countersigned by:
Angelo J. Auda
Angelo J. Auda Ind. Resident Agent

William A. Peterson
SAFECO INSURANCE COMPANY OF AMERICA

By Alice Albano
Attorney-in-Fact
Alice Albano

SAFECO

LIMITED POWER OF ATTORNEY

SAFECO INSURANCE COMPANY OF AMERICA
GENERAL INSURANCE COMPANY OF AMERICA
HOME OFFICE: SAFECO PLAZA
SEATTLE, WASHINGTON 98185

No. 4666

KNOW ALL MEN BY THESE PRESENTS:

That **SAFECO Insurance Company of America** and **General Insurance Company of America**, each a Washington corporation, does each hereby appoint

----------ALICE ALBANO ----------

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby in amounts or penalties not exceeding the sum

of ONE MILLION AND NO/100 ---------- DOLLARS ($ 1,000,000.00)

IN WITNESS WHEREOF, **SAFECO Insurance Company of America** and **General Insurance Company of America** have each executed and attested these presents

this 20th day May, 19 75.

ACKNOWLEDGMENT BY SURETY

STATE OF Illinois }
County of Cook } ss

On this 3rd day of August, 1978, before me personally appeared Alice Albano, known to me to be the Attorney-in-Fact of SAFECO INSURANCE COMPANY OF AMERICA, GENERAL INSURANCE COMPANY OF AMERICA or FIRST NATIONAL INSURANCE COMPANY OF AMERICA, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.

Notary Public in the State of Illinois
County of Cook

(Seal)

Commission Expiration Date Sept. 30, 1981

S-230 R3 10/72

PRINTED IN U.S.A.

I, [illegible], Vice President and Secretary of **SAFECO Insurance Company of America** and of **General Insurance Company of America**, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a power-of-attorney issued pursuant thereto, are true and correct, and that the By-Laws, the Resolution and the power-of-attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set may hand and affixed the seal of said corporations

this 3rd day of August, 19 78.

RECEIVED
BOARD OF PUBLIC WORKS
CITY OF FT. WAYNE, IND.
AUG 15 1978
SEC'Y

S-975 R4 8/77

PRINTED IN U.S.A.

4173

TITLE OF ORDINANCE SPECIAL ORDINANCE - CONTRACT - CITIZENS CABLE OF FORT WAYNE CABLE TV CONTRACT

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS S-78-08-32

SYNOPSIS OF ORDINANCE CONTRACT BETWEEN CITIZENS CABLE OF FORT WAYNE, INC. AND CITY OF FORT WAYNE, INDIANA, FOR CABLE TV FRANCHISE FOR THE CITY OF FORT WAYNE FOR A PERIOD OF FIFTEEN YEARS FROM EFFECTIVE DATE OF GENERAL ORDINANCE G-20-78 TO OPERATE A CABLE COMMUNICATIONS SYSTEM IN CITY OF FORT WAYNE.

(CONTRACT ATTACHED)

EFFECT OF PASSAGE COMPLETION OF CONTRACTUAL AGREEMENT FOR AWARD OF CABLE TV TO CITIZENS CABLE OF FORT WAYNE, INC.

EFFECT OF NON-PASSAGE INADEQUATE CONTRACTUAL AGREEMENT BETWEEN CITY AND CITIZENS CABLE OF FORT WAYNE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) FRANCHISE FEE WILL BE PAID TO THE CITY OF FORT WAYNE, INDIANA

ASSIGNED TO COMMITTEE

EP